

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 3271 - SB 3353**

February 15, 2010

**SUMMARY OF BILL:** Includes criminal attempt to commit murder in the first degree in the list of offenses for which an offender must serve 100 percent of the sentence imposed less sentence credits earned and retained. No sentence reduction credits shall reduce the sentence imposed by the court by more than 15 percent.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$2,461,000/Incarceration\***

Assumptions:

- Under current law, standard Class A felonies carry a sentence ranging from 15 to 25 years, and are eligible for release after serving 30 percent of their sentences.
- According to the Administrative Office of the Courts, there has been an average of 47 convictions for attempted first degree murder in each of the past 10 years. According to the Department of Correction (DOC) there has been an average of 35 admissions for attempted first degree murder in each of the past 10 years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in four additional offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 39 offenders.
- According to DOC, 46.4 percent of offenders will re-offend within three years of their release. A recidivism discount of 46.4 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (39 offenders x 46.4% recidivism discount = 18 offenders). According to DOC, the average operating cost per offender per day for calendar year 2010 is \$59.86.
- According to DOC, the average length of sentence for an offender convicted of criminal attempt to commit murder in the first degree is 18.26 years and the average post-conviction time served is 10.61 years. Eighty-five percent of the average length of sentence would be 15.52 years. These 21 (39 – 18) offenders would serve an additional 5.36 years (an increase from 10.16 to 15.52 years) as a result of this bill. The cost per offender at 10.16 years is \$222,136.87 (\$59.86 x 3,710.94 days). The cost per offender at 15.52 years is \$339,327.18 (\$59.86 x 5,668.68 days). The additional cost of increasing

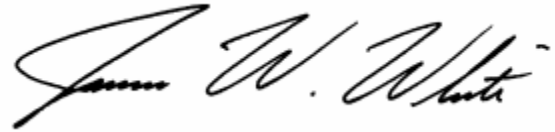
the average sentence length from 10.16 to 15.52 years is \$117,190.31 (\$339,327.18 - \$222,136.87). The total additional cost for 21 offenders is \$2,460,996.51 (\$117,190.31 x 21).

- Any impact to the state trial courts can be accommodated within existing judicial resources without an increased appropriation.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc